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## DIGEST

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Howard

HB No. 1309

**Abstract:** Provides for prohibiting certain activity in the area adjacent to a drinking water intake structure.

Present law prohibits the abandonment of a vessel or object on the Mississippi River in the restricted area surrounding a raw water intake facility for public water purification or potable water supplies.

Proposed law retains present law except removes limitation of applying only on the Mississippi River.

Present law authorizes waterworks districts or local political subdivisions with water intake facilities to regulate the use of the bank, batture, or shoreline of the Mississippi River within a restricted area and to protect the raw water intake facility and water supply from damage, pollutants, or other dangers to public health, safety, or welfare.

Proposed law retains present law except removes limitation of applying only on the Mississippi River.

Present law defines the "restricted area" as that area of the bank, batture, or shoreline of the Mississippi River within a reasonable distance not greater than 500 feet from the intake facility as determined by the waterworks district or local political subdivision.

Proposed law retains present law except applies the 500 foot distance to all rivers, streams, and bayous and applies a 300-foot distance on a lake or reservoir.

Present law provides for an exception from present law for seagoing vessels in federally established anchorages and docks and facilities located in a restricted zone on July 16, 1991.

Proposed law retain present law and applies the exception for docks and facilities located in a restricted zone on July 16, 1991, to such structures on the Mississippi River. For all other water bodies, the exception for such structures shall be for those located in the restricted zone on July 1, 2010.

Present law requires that the waterworks district or local political subdivision shall clearly mark restricted areas with signs or other markings on the bank and that such signs or markings shall be of a size or nature so as to be clearly visible and readable to adequately warn persons

approaching the restricted area.

Proposed law retains present law.

Present law provides that any person who violates a restricted area or any ordinance adopted pursuant to present law shall be subject to a fine of \$500 or imprisonment not to exceed six months, or both. Each day of continuing violation constitutes a separate offense.

Proposed law retains present law.

Present law prohibits any person on a vessel on the Mississippi River to discharge any substance from the vessel in a water intake zone or to operate a vessel in a water intake zone in such a manner as to roil the water, disturb sediment, or otherwise cause the water to become more turbid or to physically damage any water intake structure or facility.

Proposed law retains present law except removes limitation of applying only on the Mississippi River and prohibits the attachment of any vessel or object to a water intake.

Present law defines a "water intake zone" as an area surrounding a raw water intake facility for any public water purification system or other public facility producing potable water supplies. Present law describes the area as a length of not more than 500 feet upstream and not more than 500 feet downstream of the water intake facility and a width as follows: 50 feet toward the midstream side of the water intake facility and that portion of the river, between the water intake facility and the bank, batture, or shoreline.

Proposed law applies the current description to a river, stream, or bayou and for such water intake facilities on a lake or reservoir, the area shall be a 300-foot radius around the water intake and on that portion of the water body the width of that diameter between the water intake facility and the bank or shoreline.

Present law provides that any person who violates present law restricting a water intake zone shall be subject to a fine of \$500 or imprisonment not to exceed six months, or both. Each day of continuing violation constitutes a separate offense and no fines or penalties shall be imposed until water intake zones are appropriately designated.

Proposed law retains present law.

(Amends R.S. 33:3815.3(A), (B), (C), and (F) and R.S. 34:844(A) and (B))